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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,392

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Satoshi Matsumoto

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EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT

PAPER NUMBER

2855

MAIL DATE

DELIVERY MODE

02/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,392	MATSUMOTO ET AL.	
	Examiner	Art Unit	
	Gail Verbitsky	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 8,9,13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 8-9, 13-14 are objected to because of the following informalities:

Claim 8: A) perhaps Applicant should replace “and becomes” in line 6 with – wherein said blocked light becomes--,

B) perhaps applicant should insert –that—after “laser and” in line 11,

C) perhaps applicant should replace “the light with a” in line 12 with –said light having a—,

D) perhaps “the” at the end of line 16 should be replaced with –said--.

E) perhaps “has a wavelength blocked by the filter” in lines 1-2 from the bottom of claim 8 should be replaced with –has a wavelength that is in the same range as the light that is blocked by said filter, said thermally radiating light-- or:

– has a wavelength that does not pass through said filter, said thermally radiating light--, or:

--has a wavelength that is also blocked by said filter, said thermally radiating light--, because it appears from the because it appears from the specification and claim language that since the light has already been blocked by the filter (line 11 of claim 8), it could not reach the weld, therefore, the light radiating from the weld could be of the same wavelength but not the same light that has already been blocked on its way from the laser toward the weld. Is this a proper interpretation of the invention?

Claim 9: A) perhaps Applicant should replace “and becomes” in line 6 with – wherein said blocked light becomes--,

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B) perhaps applicant should insert –that—after “laser and” in line 11,

C) perhaps applicant should replace “the light with a” in line 12 with –said light having a—,

D) perhaps “the thermally radiating light” in lines 16-17 should be replaced with –said thermally radiating light--,

E) perhaps “has a wavelength blocked by the optical means” in lines 17-18 should be replaced with –has a wavelength that is in the same range as the light that is blocked by said optical means, said thermally radiating light-- or:

– has a wavelength that does not pass through said optical means, said thermally radiating light--, or:

--has a wavelength that is also blocked by said optical means, said thermally radiating light--, because it appears from the because it appears from the specification and claim language that since the light has already been blocked by the optical means (line 11 of claim 9), it could not reach the weld, therefore, the light radiating from the weld could be of the same wavelength but not the same light that has already been blocked on its way from the laser toward the weld. Is this a proper interpretation of the invention?

Claim 13: A) perhaps Applicant should replace “and becomes” in line 5 with –wherein said blocked light becomes--.

B) perhaps applicant should insert –that—after “and” in line 12

C) perhaps applicant should replace “the light with a” in lines 13-14 with –said light having a—,

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D) perhaps “the thermally radiating light” in line 17 should be replaced with –said thermally radiating light--.

E) perhaps “has a wavelength blocked by the optical means” in lines 17-18 should be replaced with –has a wavelength that is in the same range as the light that is blocked by said filtering step, said thermally radiating light--, or:

– has a wavelength that does not pass through said filtering step, said thermally radiating light--, or:

--has a wavelength that is also blocked by said filtering step, said thermally radiating light--, because it appears from the because it appears from the specification and claim language that since the light has already been blocked by the filtering step means (line 12 of claim 13), it could not reach the weld, therefore, the light radiating from the weld could be of the same wavelength but not the same light that has already been blocked on its way from the laser toward the weld. Is this a proper interpretation of the invention?

Claim 14: A) perhaps Applicant should replace “and becomes” in line 5 with – wherein said blocked light becomes--,

B) perhaps applicant should insert –that—after “and” in line 13,

C) perhaps applicant should replace “the light with a” in lines 14-15 with –said light having a—,

D) perhaps “the thermally radiating light” in line 19 should be replaced with –said thermally radiating light--.

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E) perhaps "has a wavelength blocked by the optical means" in lines 19-20 should be replaced with --has a wavelength that is in the same range as the light that is blocked by said filtering step, said thermally radiating light--, or:

-- has a wavelength that does not pass through said filtering step, said thermally radiating light--, or:

--has a wavelength that is also blocked by said filtering step, said thermally radiating light--, because it appears from the because it appears from the specification and claim language that since the light has already been blocked by the filtering step means (line 13 of claim 14), it could not reach the weld, therefore, the light radiating from the weld could be of the same wavelength but not the same light that has already been blocked on its way from the laser toward the weld. Is this a proper interpretation of the invention?

Appropriate correction is required.

Allowable Subject Matter

Claims 8-9 and 13-14 are objected.

Response to Arguments

Applicant's arguments, filed on 12/02/2008, have been fully considered and are persuasive. However, the claims are now objected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571/ 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gail Verbitsky
Primary Patent Examiner, TC 2800

February 10, 2009

/Gail Verbitsky/
Primary Examiner, Art Unit 2855

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